

**ORIGINAL**

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

T00-0005

**STIPULATED AGREEMENT**

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the Union Pacific Railroad Company, hereinafter referred to as the "Company", the Town of Cortland, hereinafter referred to as the "Town", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission that inquiry should be made into the matter of improving public safety at the crossings known as Llanos Street (DOT 175 025E), Somonauk Road (DOT 175 027T), and Loves Road (DOT 175 028A) of the Company's track, all located in the Town of Cortland, DeKalb County, Illinois; and

WHEREAS, the Commission staff, the Company, the Town, and the Department are mutually agreeable to conducting a two (2) year pilot program to evaluate the effectiveness of median barriers to prevent motorists from circumventing crossing gate arms; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossings by a member of the Commission's staff; and

WHEREAS, the physical aspects, including geometrics of the intersections, train movements, vehicular traffic volumes and all other pertinent data relating to the crossings have been obtained and shown on Exhibits A-1 through A-3, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

**DOCKETED**

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossings should be:

- (a) the installation of median barriers at locations shown on Exhibits C-1 through C-3.

Section 3 The Town has prepared an estimate of cost to purchase materials required and plans to perform the median barrier installation, said estimate is attached as Exhibit B, and shall upon Order according to the requirements contained therein prepare any detailed drawings and estimates of cost for the median barrier installation and any required specifications for the proposed improvements for the approval of the Commission and the Department.

Section 4 The Town shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, and for the completion of the proposed improvements should be six (6) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) the cost for materials for the median barriers, estimated to be \$27,522, should be assessed 100%, not to exceed \$27,522, to the Grade Crossing Protection Fund. Any material cost in excess of \$27,522 should be assessed to the Town.
- (b) the cost for installation and maintenance of the median barriers should be assessed 100% to the Town.

Section 6 The Town of Cortland is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the order and indicates this intent by Resolution attached as Exhibit D.

Section 7 All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Director of Processing, Transportation Division of the Commission, the final bill for expenditures shall be clearly marked "Final Bill".

Section 8 Special Provisions. Median barriers shall consist of a prefabricated yellow mountable curb with yellow and black reflectorized paddle delineators, a minimum of thirty-six (36) inch high, mounted to the curb. The paddle delineators shall be flexible enough to be able to return to their original position when impacted by vehicles at high speeds. Median barriers manufactured by Qwick Kurb, Inc., or equal, are acceptable. The Town shall conduct surveys to ascertain the motoring public's response to the installation, and the effectiveness of the median barriers in preventing the motorists

from circumventing the crossing gate arms. The Town shall also prepare a report on the installation process and engineering evaluations of the median barriers.

An initial report shall be provided to the Commission by the Town concerning the abovementioned studies after the median barriers have been in place for six (6) months. Interim reports shall be provided to the Commission by the Town at twelve (12) months and eighteen (18) months, and a final report shall be provided to the Commission by the Town concerning the abovementioned studies after the median barriers have been in place for two (2) years.

If the medians are removed by the Town within five (5) years of the date of the Order, they will be returned to the Illinois Commerce Commission. If the medians are kept in place for more than five (5) years, they will become the property of the Town.

Section 9 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

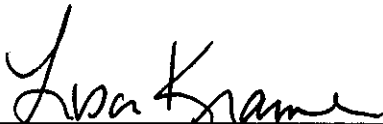
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 16<sup>th</sup> day of June, 1998.



Michael E. Stead  
Acting Railroad Safety Program Administrator

Attest:



Lisa Kramer  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 893 concerning improvements at the Llanos Street, Somonauk Road, and Loves Road grade crossings with the Union Pacific Railroad Company tracks in the Town of Cortland, Illinois, designated as crossings AAR/DOT 175 025E (milepost 55.14A), AAR/DOT 175 027T (milepost 55.30A), and AAR/DOT 175 028A (milepost 55.84A), respectively.

Executed by the Department this 20TH day of JULY, 1999.

ILLINOIS DEPARTMENT OF TRANSPORTATION

By James C. Shifer  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 893 concerning improvements at the Llanos Street, Somonauk Road, and Loves Road grade crossings with the Union Pacific Railroad Company tracks in the Town of Cortland, Illinois, designated as crossings AAR/DOT 175 025E (milepost 55.14A), AAR/DOT 175 027T (milepost 55.30A), and AAR/DOT 175 028A (milepost 55.84A), respectively.

Executed by the Town of Cortland this 23rd day of August, 1999.

TOWN OF CORTLAND



By Bernard L. Suppeland  
(Title)

Attest:

Cheryl L. Aldis  
Town Clerk

Illinois Commerce Commission Stipulated Agreement No. 893 concerning improvements at the Llanos Street, Somonauk Road, and Loves Road grade crossings with the Union Pacific Railroad Company tracks in the Town of Cortland, Illinois, designated as crossings AAR/DOT 175 025E (milepost 55.14A), AAR/DOT 175 027T (milepost 55.30A), and AAR/DOT 175 028A (milepost 55.84A), respectively.

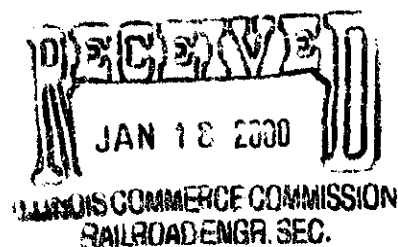
Executed by Union Pacific Railroad Company this 17 day of Jan, 2000.

UNION PACIFIC RAILROAD COMPANY

By Thomas L. Gee  
(Title) CHIEF ENGINEER

Attest:

Kathy Klockner



## STATE OF ILLINOIS

## ILLINOIS COMMERCE COMMISSION

## STIPULATED AGREEMENT SURVEY FORM

RR/Line UP / A Milepost 55.14 Inventory # 175 025E  
 Town Cortland Street Llanos Street County DeKalb  
 Jurisdiction Town Urban X Rural    Commercial    Residential X  
 Street Surface Asphalt Width 20' Condition Good  
 Angle 78° Tracks Tangent Yes Degree of Curve 0 Superelevation N/A  
 Depth of Cut                      Height of Fill                     

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
<u>14'</u>	<u>Level</u>	<u>Main</u>	<u>Timber &amp; Asphalt</u>	<u>24'</u>	<u>Good</u>
		<u>Main</u>	<u>Timber &amp; Asphalt</u>	<u>24'</u>	<u>Good</u>

Intersecting Roads <100' 54' north to Railroad Street

Traffic Control Devices Present: currently yield signs - proposed stop signs in all directions except for northbound traffic

ADT 150 Speed 25 mph Statewide Yes

School Buses                      Hazardous Materials                      Other                     

Rail Traffic: Ft. 70 @ 70 mph Pass. 0 @        mph Switch                     

Simultaneous Movements: Yes Daylight and Dark: Yes

Present Protection: AFLS w/ Gates

Advance Warning Signs Yes Pavement Marking No

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
NW	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
SE	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
SW	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

Approach Grades

North	<u>First 25'</u>	<u>OK</u>	<u>%</u>	<u>Next 25'</u>	<u>OK</u>	<u>%</u>	<u>'</u>	<u>%</u>
South	<u>First 25'</u>	<u>OK</u>	<u>%</u>	<u>Next 25'</u>	<u>OK</u>	<u>%</u>	<u>'</u>	<u>%</u>

Comments:



## STATE OF ILLINOIS

## ILLINOIS COMMERCE COMMISSION

## STIPULATED AGREEMENT SURVEY FORM

RR/Line UP / A Milepost 55.30 Inventory # 175 027T  
 Town Cortland Street Somonauk Road County DeKalb  
 Jurisdiction Town Urban X Rural    Commercial X Residential     
 Street Surface Asphalt Width 21' Condition Good  
 Angle 78° Tracks Tangent Yes Degree of Curve 0 Superelevation N/A  
 Depth of Cut                      Height of Fill                     

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
<u>14'</u>	<u>Level</u>	<u>Main</u>	<u>Rubber</u>	<u>30'</u>	<u>Good</u>
		<u>Main</u>	<u>Rubber</u>	<u>30'</u>	<u>Good</u>

Intersecting Roads <100' 54' north to Railroad Street (to east only)

Traffic Control Devices Present: Stop sign on Railroad Street - proposed to eliminate left turn movements at intersections

ADT 4850 Speed 30 mph Statewide Yes

School Buses                      Hazardous Materials                      Other                     

Rail Traffic: Ft. 70 @ 70 mph Pass. 0 @            mph Switch           

Simultaneous Movements: Yes Daylight and Dark: Yes

Present Protection: AFLS w/ Gates

Advance Warning Signs Yes Pavement Marking Yes

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
NW	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
SE	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
SW	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

Approach Grades

North	<u>First 25'</u>	<u>OK</u>	<u>%</u>	<u>Next 25'</u>	<u>OK</u>	<u>%</u>	<u>'</u>	<u>%</u>
South	<u>First 25'</u>	<u>OK</u>	<u>%</u>	<u>Next 25'</u>	<u>OK</u>	<u>%</u>	<u>'</u>	<u>%</u>

Comments:

## STATE OF ILLINOIS

## ILLINOIS COMMERCE COMMISSION

## STIPULATED AGREEMENT SURVEY FORM

RR/Line UP / A Milepost 55.84 Inventory # 175 028ATown Cortland Street Loves Road County DeKalbJurisdiction Town Urban X Rural    Commercial    Residential XStreet Surface Asphalt Width 20' Condition GoodAngle 53° Tracks Tangent Yes Degree of Curve 0 Superelevation N/ADepth of Cut                                  Height of Fill                                 Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
<u>14'</u>	<u>Level</u>	<u>Main</u>	<u>Timber &amp; Asphalt</u>	<u>32'</u>	<u>Fair</u>
		<u>Main</u>	<u>Timber &amp; Asphalt</u>	<u>32'</u>	<u>Fair</u>

Intersecting Roads <100' 117' north to Pine StreetTraffic Control Devices Present: 3-way Stop at Loves and PineADT 850 Speed 25 mph Statewide YesSchool Buses                                  Hazardous Materials                                  Other                                 Rail Traffic: Ft. 70 @ 70 mph Pass. 0 @            mph Switch                                 Simultaneous Movements: Yes Daylight and Dark: YesPresent Protection: AFLS w/ GatesAdvance Warning Signs Yes Pavement Marking Yes

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
NW	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
SE	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
SW	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

Approach Grades

North	<u>First 25'</u>	<u>OK</u>	<u>%</u>	<u>Next 25'</u>	<u>OK</u>	<u>%</u>	<u>'</u>	<u>%</u>
South	<u>First 25'</u>	<u>OK</u>	<u>%</u>	<u>Next 25'</u>	<u>OK</u>	<u>%</u>	<u>'</u>	<u>%</u>

Comments:



## \*\*\* QUOTATION \*\*\*

## ITEMS:

Qwick Kurb.....Inquiry #: 98-1214QK

TO: Town of Cortland, IL  
Attn: Susan Dockus, Treasurer

DATE: Dec 18, 1998  
DELIVERY LEAD TIME: 1 week  
SHIP VIA: Best way

DESCRIPTION					
<u>Crossing "A"</u>	<u>Crossing "B"</u>	<u>Crossing "C"</u>	<u>Total Quantity</u>	<u>Price Each</u>	<u>Total Cost</u>
60'	40'	75'			
75'	75'	75'			
Total ..135'	Total..115'	Total..150'.....	400' =119 meters.....		
40 Sections	34 Sections	45 Sections	119sections	\$ 111.00	\$13,209
4 End Sections	4 End Sections	4 End Sections	12 End Sections	\$88.00	\$ 1,056
42 Arcs	36 Arcs	47 Arcs	125 Arcs	\$24.00	\$ 3,000
27 Air Panels	23 Air Panels	30 Air Panels	80 Air Panels	\$117.00	\$ 9,360
84 Anchors	82 Anchors	94 Anchors	260 Anchors	\$3.45	\$ 897
Technical / labor assistance during installation.....					\$ 600
Total Project less freight expense.....					\$ 28,122

SHIPPING: F.O.B. Orlando, Florida .

INSTALLATION: John Thomas, Inc. will assist City Maintenance Personnel in the installation.  
Approximately one day (three labors) required to install all three crossings.

*sections are 3' long*

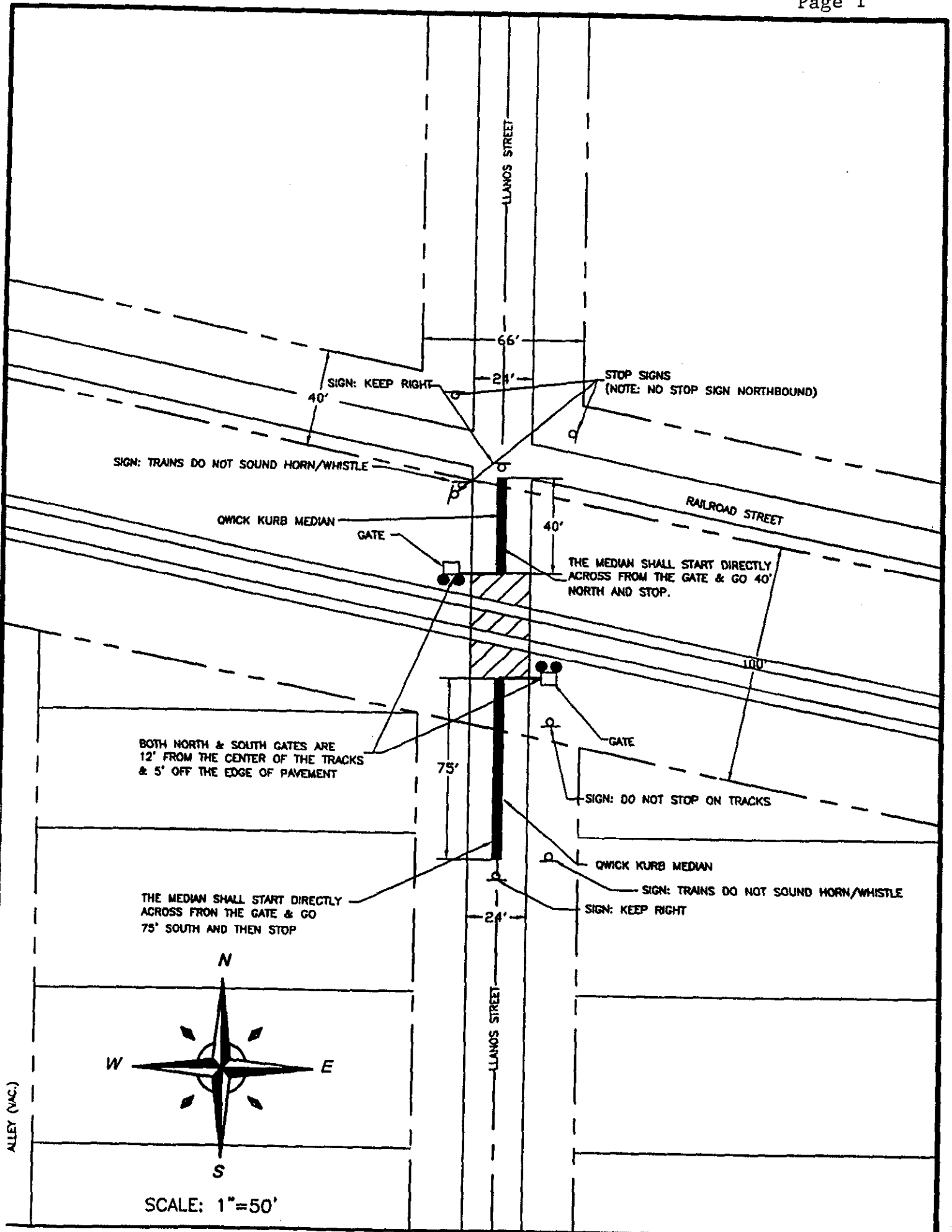
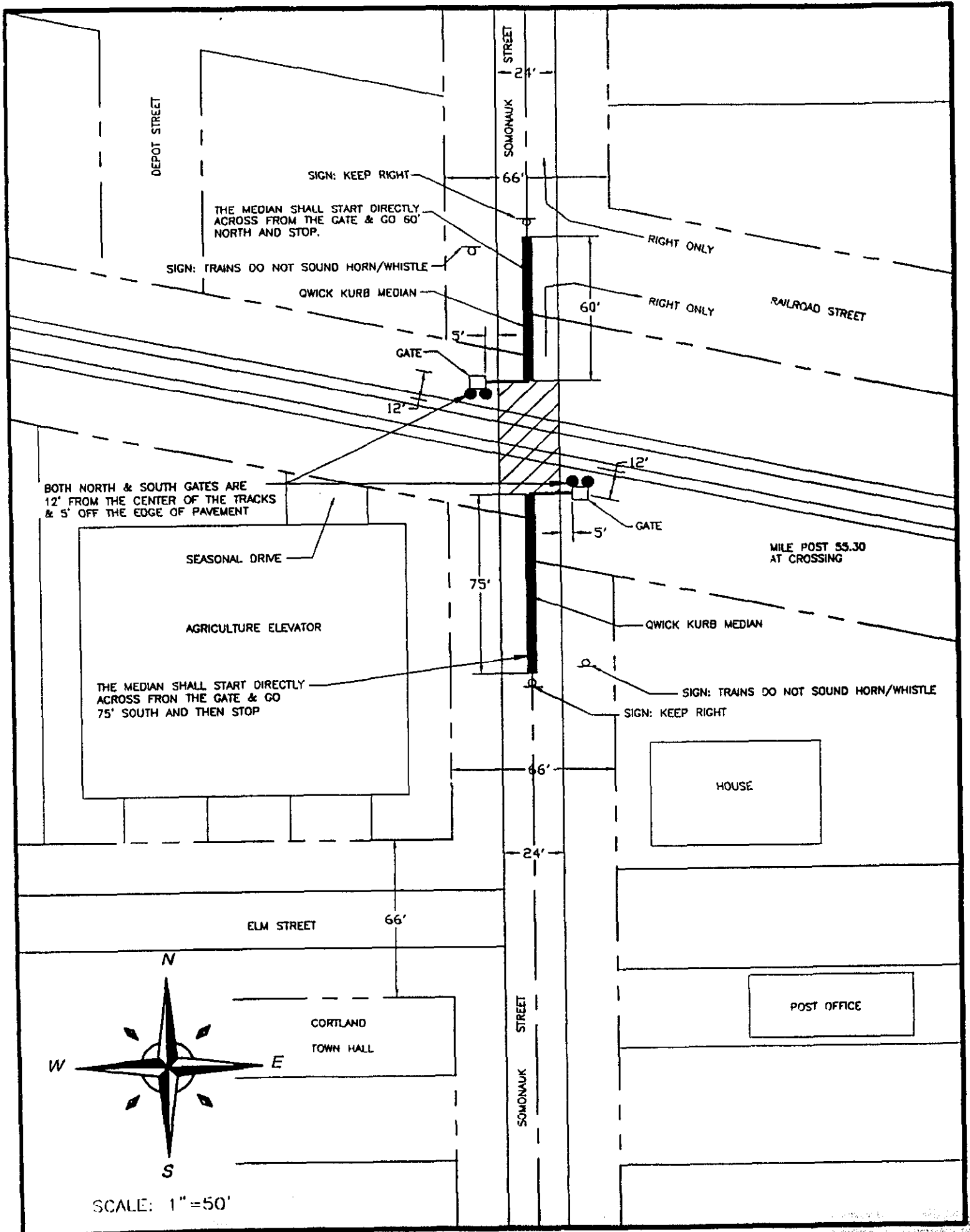


EXHIBIT C



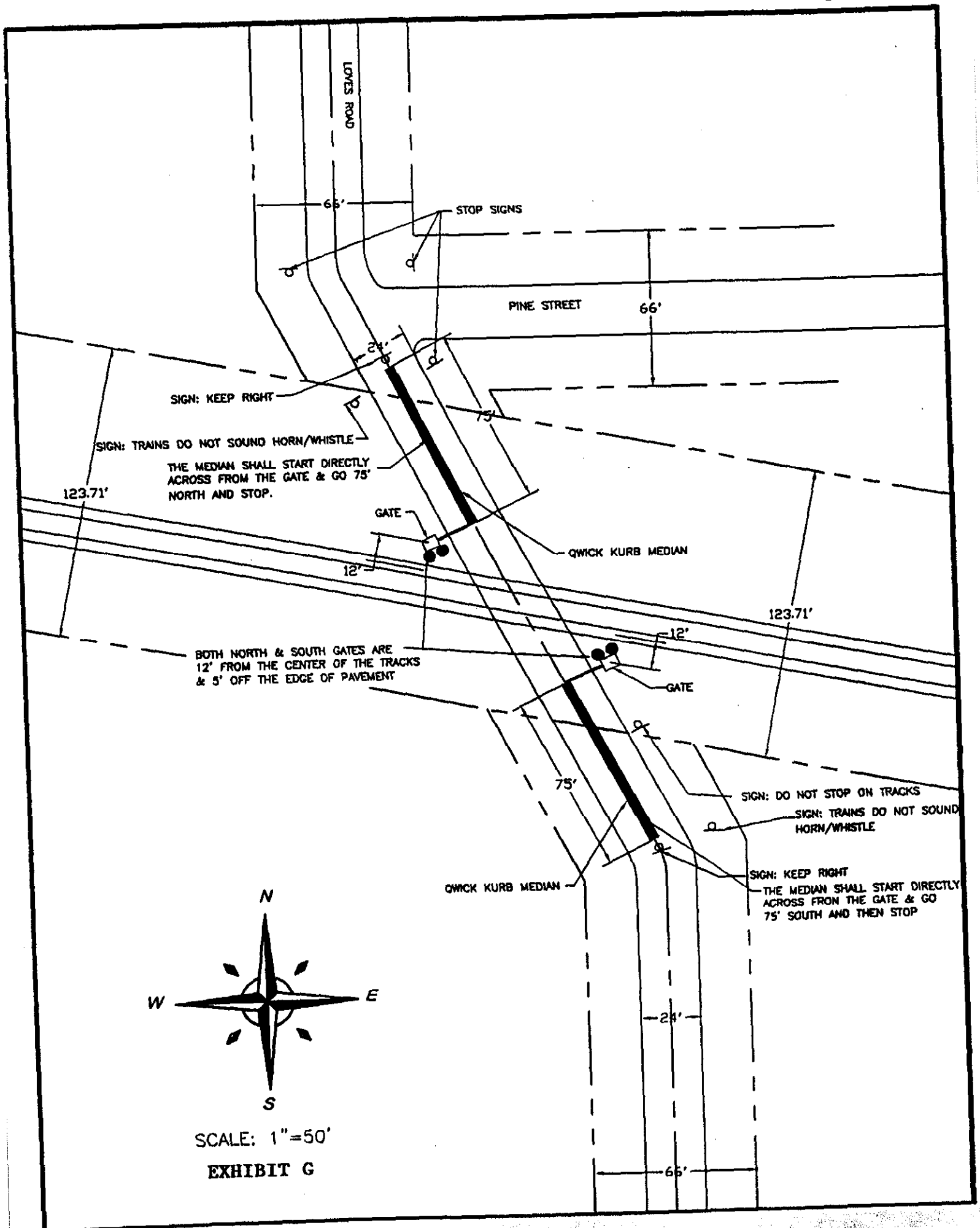




Exhibit D

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT

Date October 25, 1999

Agreement # 893

The Town Board meeting on October 18, 1999, Resolved to authorize

Bernard L. Suppeland, Mayor, and Charles W. Lanning, Trustee,  
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the Town is financially willing and able to bear the costs for the proposed improvements as may be assigned to it according to the terms of this Agreement.